

# CITY OF ANGELS CITY COUNCIL MINUTES

**Tuesday, August 18, 2015**

Council Members Present: Mayor Wes Kulm, Vice Mayor Elaine Morris, Bert Sobon, Amanda Folendorf, and Scott Behiel

Staff Present: Michael McHatten, Dave Myers, Dave Hanham, Nathan Pry, Julie McManus, Kim Arth, Todd Fordahl and Mary Kelly

## **5:00 p.m. CALL TO ORDER**

### **COUNCIL ADJOURNED TO CLOSED SESSION**

The City Council convened to closed session. Chair Kulm reconvened to open session.

## **6:00 p.m. REGULAR MEETING**

### **PLEDGE OF ALLEGIANCE**

### **ACTION TAKEN IN CLOSED SESSION**

#### **A. LIABILITY CLAIM.**

Claimant: Danny Lee Berchtold.

Agency Claimed Against: City of Angels

Council Action: Council authorized the City Clerk to draft a Notice of Rejection to the claimant.

#### **B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523

Council Action: Council received an update from the City Attorney.

#### **C. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to California Code 54957.6**

Misc-Non Exempt Memorandum Of Understanding (MOU) and Fire MOU. City Negotiator: Michael McHatten, City Administrator

Council Action: Direction was given to the negotiator.

#### **D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

Council Action: Direction was given to the City Attorney.

#### **E. PURSUANT TO CALIFORNIA CODE SECTION 54957: Performance Evaluation – City Administrator**

Council Action: No action was taken.

### **APPROVAL OF AGENDA**

MOTION by Council Member Behiel, seconded by Council Member Sobon and carried 5-0 APPROVING THE AGENDA AS PRESENTED.

### **STAFF UPDATES**

Council discussed the consolidated report with staff.

## **COUNCIL UPDATES**

### **Bert Sobon**

Attended UWPA board meeting. Renewed the lease with Sierra Health Resources and approved the FY 2015-2016 budget. Also approved contract for General Manager.

### **Elaine Morris**

Attended CCOG. Two citizen members were appointed to the CCOG board.

### **Scott Behiel**

Attended DAC.

### **Wes Kulm**

Attended DAC Executive Board Meeting and CCOG.

## **PUBLIC COMMENT**

### **Bob Middleton – 557 Live Oak Drive**

Complained of the disrepair of the bathrooms in Utica Park. He suggested they be closed at night.

### **Gina Selke – 538 Alpine Ave.**

Stated she has problems with her sewer constantly backing up. The City Ordinance places the responsibility of sewer laterals that connect private sewers to the public sewer on the property owner. She asked the Council to change the ordinance or replace the sewer lines or possibly grant her an exemption from this ordinance. The Mayor directed staff to research this issue and return as a future agenda item for discussion.

## **FEATURE BUSINESS PRESENTATION(S)**

1. **PG & E:** Thomas Reeves, Local Government Relations Representative; Sal Holcomb, Supervisor of local Angels Camp operations; Richard Yarnell, Vegetation Program Manager  
The Mayor announced that PG&E had donated \$3,000.00 to Destination Angels Camp and he publicly thanked them.  
Thomas Reeves reported on the pole replacement project in the City. He said he was excited about the partnership PG&E has with DAC and he plans to get more involved.  
Richard Yarnell reported on how PG&E was working on vegetation problems and solutions in this drought year.
2. **Countywide Resource Conservation District presentation** – Calaveras County Supervisor Clifford Edson  
Mr. Edson reported on the background of the RCD explaining that most counties in the state have an RCD with Calaveras being one of the few that doesn't. He proposed starting an RCD Board with 1 member from each district, 1 member from the water community and 1 member from the Ag. Community. Dennis Mills from CCWD explained that this would be a self-running, self-sustaining agency. Mr. Edson asked the City to draft a resolution in support of developing the RCD. There will be a study session with the Board of Supervisors on September 22<sup>nd</sup> to discuss this issue and they will be bringing a resolution to their board. City Administrator, Michael McHatten noted that the process needs to go through LafCO.

## **CONSENT AGENDA**

**MOTION** by Council Member Behiel, seconded by Council Member Folendorf and carried 4-0 with Council Member Sobon abstaining APPROVING THE MINUTES OF THE REGULAR MEETING OF JULY 2, 2015.

**MOTION** by Council Member Behiel, seconded by Council Member Folendorf and carried 5-0 APPROVING THE REMAINING CONSENT AGENDA ITEM:

- b. Approve Resolution No.15-27. A resolution authorizing appropriation limits for FY 2015-2016 and FY 2011-2012, and amendment to appropriations limits previously authorized for FY 2012-2013, FY 2013-2014 and FY 2014-2015.

## REGULAR AGENDA

### **1. PUBLIC HEARING: ADOPTION OF FY 2015/2016 BUDGET**

The City Administrator highlighted budget items reported on at the August 21st workshop.

7:20 p.m. Public Hearing opened

**Kathy Collins, Acting Chair of DAC** requested Council approve the budget requests received from Destination Angels Camp (DAC).

**Anne Forrest** requested Council approve the budget request received from the Angels Camp Commemorative Committee(ACCC).

**Melanie Lewis, DAC Treasurer** spoke in favor of supporting DAC's budget.

**Candy Myers, President of ACBA** asked Council to approve the budget request from ACBA.

**Firmen Brown** spoke on behalf of the new owners of the Utica Hotel in support of DAC.

**Lisa Boulton, Director of the Calaveras Citizen's Bureau** spoke in support of ACCC, ACBA and DAC.

7:35 p.m. Public Hearing closed

The Council reviewed the additional budget requests.

The Council were unanimous in APPROVING ADDITIONAL BUDGET ITEMS 3, 8, 9,10, 11,12 13,18, 20, 21 and 22.

The City Administrator and Finance Officer will review potential funding other than the General Fund for Additional Budget Item 14 (Rasberry staircase).

A lease purchase plan will be researched for Additional Budget Item 19 (Mower).

Additional Budget Items 6, 7, 15,16 and 17 were not approved.

MOTION by Council Member Sobon, seconded by Mayor Kulm APPROVING FY2015-2016 BUDGET FUNDING TO ANGELS CAMP BUSINESS ASSOC. (ACBA) IN THE AMOUNT OF \$9,500.00 THE MOTION FAILED WITH A 2-3 VOTE.

MOTION by Council Member Behiel seconded by Council Member Folendorf and carried 4-1 with Council Member Sobon abstaining APPROVING FY2015-2016 BUDGET FUNDING TO ACBA IN THE AMOUNT OF \$7,000.00

MOTION by Council Member Sobon, seconded by Council Member Folendorf and carried 5-0 APPROVING FY 2015-2016 BUDGET FUNDING TO ANGELS CAMP COMMEMORATIVE COMMITTEE (ACCC) IN THE AMOUNT OF \$25,000.

MOTION by Council Member Sobon, seconded by Mayor Kulm APPROVING FY 2015-2016 BUDGET FUNDING TO DESTINATION ANGELS CAMP (DAC) IN THE AMOUNT OF \$44,500. THE MOTION FAILED WITH A 2-3 VOTE.

MOTION by Council Member Behiel, seconded by Council Member Folendorf and carried 3-2 with Mayor Kulm and Council Member Sobon voting {NO} APPROVING BUDGET FUNDING TO DAC IN THE AMOUNT OF \$35,000 FOR FY 2015-2016.

MOTION by Council Member Behiel, seconded by Council Member Morris and carried 5-0 APPROVING RESOLUTION NO. 15-28. A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE 2015/2016 FISCAL YEAR.

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2. **CONSULTANT AGREEMENT FOR TRANSIENT OCCUPANCY (TOT) AUDIT SERVICES**  
MOTION by Vice Mayor Morris, seconded by Council Member Sobon and carried 4-1 with Council Member Behiel voting {NO} APPROVING A CONTRACT WITH MUNISERVICES FOR TRANSIENT OCCUPANCY TAX (TOT) AUDIT SERVICES AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE CONTRACT.

3. **CONSULTANT AGREEMENT FOR SALES, TRANSACTIONS AND USE TAX AUDIT AND SALES/USE TAX ANALYSIS AND REPORTING SERVICES; ADOPT RESOLUTION APPROVING ACCESS TO CITY RECORDS FOR CONDUCTING SAID AUDIT**

- a. APPROVE CONTRACT WITH MUNISERVICES FOR SALES, TRANSACTIONS & USE TAX AUDIT SERVICES (SUTA) AND SALES/USE TAX ANALYSIS & REPORTING SERVICES (STARTS), AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE CONTRACT.
- b. COUNCIL ACTION: ADOPT RESOLUTION NO. 15-29. A RESOLUTION AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS.

MOTION by Council Member Behiel, seconded by Vice Mayor Morris and carried 5-0 APPROVING ITEM 'a' and ITEM 'b'.

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4. **CONSULTANT AGREEMENT FOR LOCAL TAX COMPLIANT SERVICES**  
MOTION by Vice Mayor Morris, seconded by Council Member Behiel and carried 5-0 APPROVING A CONTRACT WITH MUNISERVICES FOR LOCAL TAX COMPLIANT SERVICES (DISCOVERY & AUDIT) AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE CONTRACT.

## **CALENDAR**

## **ADJOURNMENT**

MOTION BY COUNCIL MEMBER BEHIEL, SECONDED BY VICE MAYOR MORRIS AND CARRIED 5-0 ADJOURNING THE MEETING AT 9:15 P.M.

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Wes Kulm  
Mayor

ATTEST:

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Mary Kelly  
City Clerk